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March 26, 2007

E-FILE ONLY

The Honorable Sue L. Robinson
J. Caleb Boggs Federal Building
844 N. King Street, Room 6124
Lockbox 31
Wilmington, DE 19801

**RE: Jason McLean and Brian Coleman v. Communications Construction
Group, LLC.
CIV. NO. 06-617-SLR**

Dear Judge Robinson:

Please find the attached discovery plan for the above-captioned matter.

Respectfully submitted,

/s/ Ronald G. Poliquin, Esquire
I.D. No.4447
RGP/gss
Enclosure

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JASON MCLEAN and
BRIAN COLEMAN,

Plaintiffs,

v.

COMMUNICATIONS
CONSTRUCTION GROUP, LLC.,

Defendant.

Civ. No.: 06-617-SLR

JURY TRIAL DEMANDED

ORDER

At Wilmington this 28th day of March 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26 (f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2 (a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by April 10, 2007 the information required by Fed. R. Civ. P. 26 (a) (1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

1. Whether on May 20, 2005 Bradley Dodson stated to a group of white employees that, "At least you don't have to work with two dumb niggers!" referring to plaintiffs Coleman and McLean.
2. Whether Bradley Dodson's position constitutes a supervisor under Title VII, of the Civil Rights Act.
3. The discrepancy of plaintiffs' income and working condition before and after the alleged discriminatory conduct of the defendant.

4. Whether the defendants were retaliated against after the alleged incident of racial discrimination and harassment.

5. Damages caused by the alleged racial discrimination and harassment of Plaintiffs.

(b) All discovery shall be commenced in time to be completed by September 28, 2007.

(c) Maximum of 60 interrogatories by each party to any other party.

(d) Maximum of 60 requests for admission by each party to any other party.

(e) Maximum of 8 depositions by plaintiff and 5 by defendant.

(f) Each deposition limited to a maximum of 4 hours unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26 (a) (2) on issues for which any party has the burden of proof due by June 28, 2007. Rebuttal expert reports due by August 28, 2007.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before October 28, 2007.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before November 28, 2007. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motion in limine shall be filed on or before February 14, 2008. All responses to said motions shall be filed on or before February 21, 2008.

8. **Pretrial Conference.** A pretrial conference will be held on February 28, 2008 at 9:00 a.m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a ten (10) day jury trial commencing on March 3, 2008 in courtroom B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

Chief Judge Sue L. Robinson